

**DECISION**



*17397*  
**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D.C. 20548

*[Protest of Bid Rejection as Nonresponsive]*

**FILE:** B-201207

**DATE:** March 18, 1981

**MATTER OF:** JBS, Inc.

**DIGEST:**

1. Where solicitation clearly stated requirement for submission of bid prices for option period, and indicated that option prices were to be evaluated at time of award, failure to submit these prices rendered bid nonresponsive.
2. Limited exception allowing correction of bid where bid indicates on its face possibility of error, exact nature of error and amount intended is not applicable to situation where entire option price schedule for services was omitted.
3. Protest after bid opening that option year schedule should not have been included in solicitation is untimely and not for consideration on merits under Bid Protest Procedures as it relates to alleged impropriety in solicitation which was apparent prior to bid opening.

JBS, Inc. (JBS), protests the rejection of its bid as nonresponsive and award to another bidder under invitation for bids (IFB) No. DAHA37-80-B-0011, issued by the Department of the Army (Army) for dining facilities attendants. JBS apparently inadvertantly failed to submit a price for the option period specified in the IFB, believing that the schedule was only an extra copy of the base price schedule. JBS alleges that the IFB did not clearly state the requirement for submission of a bid price for the option period, that the option price schedule was confusing and served no useful purpose. Thus, JBS believes it should have been considered for award on the basis of its base period price.

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We find the protest is without merit.

In addition to the base price schedule, the solicitation contained a separate page which was entitled, "Supplies, Services and Prices Option No. 1 (Renewal)" which provided for insertion of prices for an option year. The IFB cover sheet entitled, "Information To Offeror or Quoters," instructed bidders to insert prices for both the base and option years. Moreover, the "Evaluation of Options" clause informed bidders that the option period price would be considered in the bid evaluation, i.e., "Bids \* \* \* will be evaluated for purposes of award by adding the total price for all option periods to the total price for the base period."

Therefore, in our view, the requirement for each bidder to furnish a price for the option year and the notice that this price would be considered in the bid evaluation process was clearly stated in the IFB.

This Office has held that a bid is generally regarded as nonresponsive on its face for failure to include a price on every item as required by the IFB and may not be corrected. Lubel Service Industries, Inc., d/b/a American Laundry and Cleaners, B-195083, August 27, 1979, 79-2 CPD 157; Con-Chen Enterprises, B-187795, October 12, 1977, 77-2 CPD 284. This rule is applicable to option items which are to be evaluated at the time of award. Ainslie Corporation, B-190878, May 4, 1978, 78-1 CPD 340. The rationale for this rule is, in part, that the bidder's failure to submit a price for the option year makes it uncertain that the bidder would be bound to perform the service covered for that period because of the omitted price. See, Ainslie, supra; 46 Comp. Gen. 434 (1966).

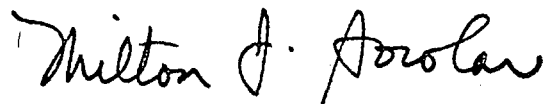
A limited exception to this rule permits correction of a bid where the bid, as submitted, indicates on its face not only the possibility of error but also the exact nature of the error and the amount intended. Since the option price schedule was entirely omitted, it is not clear from the face of the bid that the bidder, in fact, intended to bid the option year even though required to by the terms of the solicitation. See Ainslie, supra.

Under these circumstances, the bid was properly rejected as nonresponsive.

The protester has also alleged it was entitled to an award under the multiple award provision of the solicitation. However, option period prices were required for all services solicited. Therefore, the otherwise nonresponsive bid could not be considered for purposes of a multiple award.

The remainder of JBS's protest consists essentially of an allegation that the option year schedule should not have been included in the solicitation because it was confusing and served no useful purpose. This argument concerns an alleged impropriety in the solicitation which was apparent prior to bid opening. Since it was filed after bid opening the allegation is untimely and will not be considered on the merits under our Bid Protest Procedures. 4 C.F.R. § 20.2(b)(1) (1980).

The protest is denied in part, and dismissed in part.



Acting Comptroller General  
of the United States